World Campaign for Human Rights

Human Rights Newsletter

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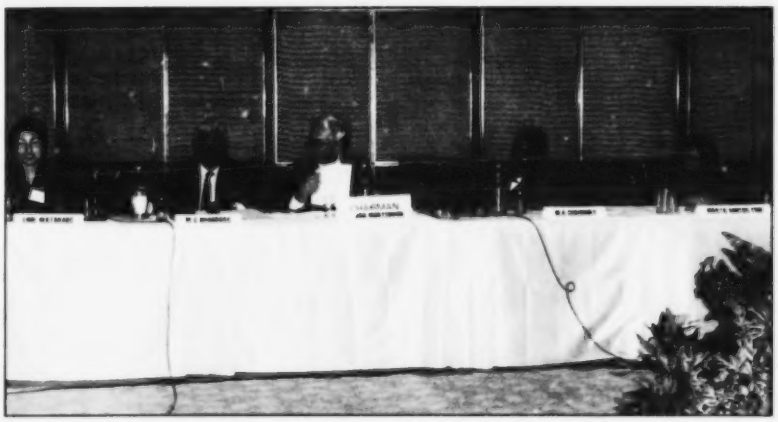
Workshop in India Focusses on Rights of the Girl Child

A Workshop on the Rights of the Child, focussing on the girl child, was held from 11 to 14 December 1990 in New Delhi, India. The event was organized by the United Nations Centre for Human Rights in cooperation with the Government of India. Workshops of this kind are held within the framework of the United Nations technical assistance programme.

Some 100 persons from the local and central administration responsible for human rights issues, participated.

The workshop dealt with such issues as:

- Basic principles of the Convention on the Rights of the Child;
- Survival, protection and development of children;
- Health, nutrition and family welfare;
- Protection of children from exploitation;
- Educational, intellectual, cultural, moral and spiritual aspects of the rights of the child;
- Basic principles of non-discrimination and best interests of the child;
- Basic elements of implementation of the Convention on the Rights of the Child.



Participants at the worksphop (left to right): Ms. E. Watanabe, UNICEF representative / New Delhi; Mr. M. Bhandare, Member of Parliament, former Chairman of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities / India; Mr. J. Martenson, United Nations Under-Secretary-General for Human Rights; Ms. A. Chaudhry, Joint Secretary, Department of Women and Child Development / India; and Ms. M. Santos Pais, Advisor, Ministry of Justice / Portugal.

The workshop was opened by the Under-Secretary-General for Human Rights, Jan Martenson. It was also addressed by such international experts as Dr. Danilo Turk, Chairman of the United Nations Sub-Commission on Prevention of Discimination and Protection of Minorities, Mr. V. Muntarbhorn, United Nations Special Rapporteur on the Sale of Children, Ms. Martha Santos Pais, Ministry of Justice, Portugal, and by representatives of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organisation, the World Health Organization, and the Office of the United Nations High Commissioner for Refugees.

In his opening remarks, the Under-Secretary-General for Human Rights emphasized the importance of establishing national commissions on the child to serve as independent focal points for reviewing the child's situation in the national context, and for proposing and evaluating the measures and programmes in that field.

At the international level, he pointed out that a number of United Nations mechanisms exist for the promotion and protection of human rights such as the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Commission on Human Rights, its Sub-Commission on Prevention of

Discrimination and Protection of Minorities and in particular, the Working Group on Contemporary Forms of Slavery–the latter dealing with many issues relating to the exploitation and mistreatment of children. Each one of these organs has its own specific contribution to make to improving the respect for the rights of the child, he said. Together with the Committee on the Rights of the Child, the actions of each will mutually reinforce the actions of the others.

Success for improving the rights of the child, he added, depends on the joint efforts of United Nations organs, governments, specialized agencies, non-governmental organizations and the support of the general public. Equally, the most effective way of promoting the rights of the girl child is by furthering human rights in general. The goals and strategies to promote the well-being and development of the child must, to be effective, form part of overall efforts to maintain and improve respect for human rights and the well-being of society as a whole.

Providing assistance to Governments in carrying out their international human rights obligations has proved to be of growing importance to the United Nations human rights programme over recent years, he said. In this context, the Centre for Human Rights will be developing specific arrangements within the technical assistance programme aimed at supporting improvements in the rights of the child and the implementation of the Convention. Expert services, including workshops such as the present one, could be provided prior to ratification of the Convention or as a result of the decision to ratify and in order to assist in implementation. Other forms of technical cooperation could be provided, including those relating to the question of national infrastructures for the promotion and protection of human rights.

For further information, contact: Advisory Services Section, Centre for Human Rights.

The Rights of the Child

Interview with PHILIP ALSTON, Professor of Law at the Australian National University, Rapporteur of the United Nations Committee on Economic, Social and Cultural Rights, and Editor of the "Commentary" on the United Nations Convention on the Rights of the Child to be published later this year by the Centre for Human Rights with the suppport of the United Nations Children's Fund (UNICEF).

CHR: Will the Convention really make a difference to the situation of children in the world?

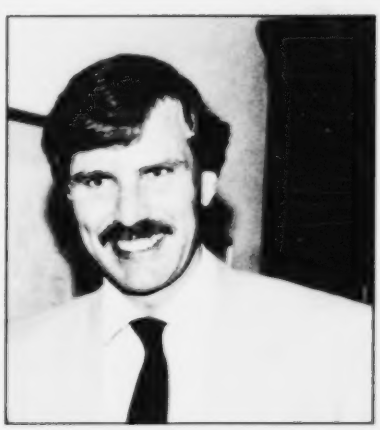
Philip Alston: There has been a surprising amount of scepticism about the Convention. The critics have argued that the situation of children will not be changed overnight. In some respects they are right, but in others they are not. They are right in reminding us that nothing happens automatically merely by placing an official signature at the bottom of a treaty. It is not the equivalent of waving a magic wand.

But in other respects, the critics are wrong. The promotion of respect for human rights is always a three-stage process. The first stage is the recognition that a major problem exists. For many years it was argued that children were not worse off than any other age groups and that existing arrangements were adequate to address their problems. But that was not the case. The particular vulnerability of children, whether to malnutrition, abuse, exploitation, disease or whatever, has now been recognized. The second stage involves reaching agreement on a comprehensive range of rights to which the vulnerable group is entitled. The third stage is to put those rights into practice; in this case, to protect and ensure the rights of children.

Clearly, the third stage is by far the most important. But it cannot take place until the problems have been acknowledged and the relevant rights recognized. Thus the first two stages must be successfully completed before the third can amount to anything. And that is the true significance, at this stage of history, of the Convention. The groundwork has at last been laid for a concerted and systematic assault on the violations of the rights which children have long suffered.

CHR: But haven't children always had rights?

Philip Alston: Historically, the answer is clearly *no*. For centuries, children were treated in many societies as though they were possessions. Their *owners* could do as they wished with them. But even in the post-World War II period, when international human rights law in general has developed dramatically, children have not been given the attention they deserve. It was assumed, in theory at least, that all rights applied automatically to children, but in reality it was clear that



many rights were denied to them. When the Convention was being drafted it was not without considerable hesitation that some delegations were prepared to recognize children's rights to freedom of expression, religious freedom and freedom of association. Moreover, the situations in which children were particularly vulnerable were often not specifically addressed in existing human rights instruments. Perhaps the greatest achievement of the new Convention is its comprehensiveness. It brings together, in one document, a statement of the rights of the child that were previously to be found only by searching through a score of different instruments in diverse areas such as juvenile justice, refugee law, humanitarian law, social welfare law etc..

CHR: So what is really new about the Convention?

Philip Alston: The Convention contains a number of provisions that are entirely new in terms of international treaties. Some of them had

been dealt with earlier in non-binding declarations but not in binding treaties. They include, for example, the provisions relating to the treatment of children by the justice system, the provisions dealing with inter-country adoption, the focus on eliminating various exploitative practices, recognition of the need to facilitate the rehabilitation of children in certain situations and so on. But the most important innovation, the real significance of which is often overlooked, is simply the recognition that children are entitled to human rights in their own right and not just as appendages of their parents or other guardians. They are entitled to have their views taken into account in decisions affecting them; they are entitled to be treated according to their evolving capacities instead of being lumped together with everyone else in the zero to 18 age group; and it is acknowledged that there are situations in which the child's best interests may differ from those of his or her family.

CHR: Will the Convention be of much significance to children in the wealthy industrialized countries?

Philip Alston: Unfortunately, industrial wealth has not automatically brought adequate conditions for children. Specific country studies being done for UNICEF at the moment as part of a project on *Child Poverty in Industrialized Countries* demonstrate that the situation of children in many of these countries has actually deteriorated significantly over the past two decades. Similarly, in countries such as those of Eastern Europe which are undergoing radical political and economic restructuring, there is always a strong risk that children will suffer more than others unless special measures are taken. It is therefore just as important for these Western and Eastern European States to ratify the Convention as it is for developing countries.

CHR: How can the Convention help children in less developed countries?

Philip Alston: Principally by helping to put their plight higher on the political agenda both domestically and internationally. The concept of popular empowerment is not one that diplomats or lawyers like to talk much about but the real value of the Convention is that it legitimizes many of the claims that people have long been asserting. By encouraging Governments to recognize and officially endorse a wide range of *rights* for children, the Convention strengthens the hand of those demanding changes in the relevant social and economic policies. It puts groups which have long been ignored or whose existence has been denied, such as refugee children, homeless and street children, sexually abused children and others, squarely on the public agenda. It also serves to emphasize the responsibility of the international community in situations where countries are unable to provide adequate care for their children from their own resources.

STATES WHICH HAVE RATIFIED OR ACCEDED TO THE CONVENTION ON THE RIGHTS OF THE CHILD *

Angola
Argentina
Australia
Bangladesh
Barbados
Belize
Benin
Bhutan
Bolivia
Brazil
Burkina Faso
Burundi
Byelorussian Soviet Socialist Republic
Chad
Chile
Colombia
Costa Rica
Czech and Slovak Federal Republic
Democratic People's Republic of Korea
Djibouti
Ecuador
Egypt
El Salvador
France
Gambia
Ghana
Grenada
Guatemala
Guinea
Guinea Bissau
Guyana
Holy See
Honduras
Indonesia
Kenya
Malawi
Mali
Malta
Mauritius
Mexico
Mongolia
Namibia
Nepal
Nicaragua
Niger
Norway
Pakistan
Panama
Paraguay
Peru
Philippines
Portugal
Romania
Rwanda
Saint Kitts and Nevis
Senegal
Seychelles
Sierra Leone
Spain
Sudan
Sweden
Togo
Uganda
Union of Soviet Socialist Republics
Uruguay
Venezuela
Viet Nam
Yugoslavia
Zaire
Zimbabwe

* *As of 31 January 1991*

CHR: Isn't there a risk that the very rapid rate of ratification of the Convention indicates that some States do not take the whole process very seriously?

Philip Alston: It is true that no human rights convention has been ratified so rapidly by so many States. There are several reasons for this. The drafting of the Convention took ten years, so that States had very considerable advance warning of its requirements. That might have enabled some to move more quickly. In addition, the publicity given to the Convention, whether by non-governmental organizations, UNICEF, the Centre for Human Rights, the World Summit for Children and others ensured that the issue of its ratification was a much more prominent public concern than is usually the case with international treaties.

Nevertheless, it is true that there might have been undue haste in some cases. But that is of very limited importance provided that all of the concerned groups, especially national non-governmental organizations and children's groups and international agencies, now make a sustained effort to ensure that each Government, whatever its initial intention or motivation, is forced to take its international legal obligations seriously.

CHR: But what can be done about countries that ratify but where violations of children's rights continue on a grand scale?

Philip Alston: First, the usual United Nations procedures are available in such cases. Indeed, it is to be

hoped that special rapporteurs and others will now focus more explicitly on the plight of children in such countries given the Convention's entry into force. Second, the Convention does set up an international monitoring body, the Committee on the Rights of the Child, which can help to focus attention on continuing problems and put pressure on offending Governments. Third, and most important, is the fact that the Convention should strengthen the hands (and the resolve) of domestic groups which, in the end, are always the key actors in the struggle to defend human rights.

CHR: How will the Committee on the Rights of the Child function?

Philip Alston: The first meeting of the Committee will probably not take place until the second half of 1991. It is thus too early to say much about what it will do. It is to be hoped, however, that it will seek to develop new approaches and be much more innovative than the existing treaty bodies have been. It is dealing with a special issue and it should seek to take advantage of the very high level of commitment to its work on the part of Governments, non-governmental organizations, international agencies, and the community at large. For example, the Committee could seek to develop a presence in the field by sending one or two of its members to visit countries to examine specific issues whenever it is invited to do so by Governments. Overall, it is essential that the members of the Committee be encouraged to devise their own procedures and priorities and not be put immediately into the straight jacket of the procedures developed by the other treaty bodies.

CHR: Is the Convention irrelevant to countries that choose not to ratify it?

Philip Alston: Certainly not. In many respects the Convention reflects standards that are already binding on States whether by virtue of other treaties that they have ratified or as a part of customary international law. But ultimately, the formal legal position is far less important than the fact that the Convention will rapidly–if it has not already–become the universal benchmark against which the performance of all countries with respect to the well-being of their children will be judged.

The children of the 1990s
142 million children have been born into the world during 1990. The chart below presents this huge number as just 100 children and gives a schematic overview of what will happen to them in the decade ahead.
Industrialized world
Developing world
100 Born
12
88
94 Surviving to age one
12
82
91 Surviving to age five
12
79 of which 28 are malnourished
85 Starting primary school
12
73
55 Finishing primary school
11
44
32 Finishing secondary school
9
23

African Seminar on Child Rights

An African Seminar on the Rights of the Child was held from 29 to 31 October 1990 in Tunis, Tunisia. It was organized by the Tunisian League for the Defence of Human Rights and the Arab Institute of Human Rights.

The Centre for Human Rights actively participated in the meeting.

The aim of the seminar was to analyze, one year after the adoption of the International Convention on the Rights of the Child, the difficulties in applying the Convention as well as defining the most appropriate strategies for changing the situation of children in Africa.

Topics under discussion included:

- Economic and social rights of the African child;
- The Convention and cultural resistance;
- The Convention and political resistance;
- The Convention and the economic situation of African countries.

In conclusion, participants adopted an *Appel de Tunis*, emphasizing that the ratification of the Convention should be considered a priority and calling upon those Governments, which had not already done so, to ratify or sign it immediately.

As of 31 January 1991, 24 African governments were signatories to the Convention.

A follow-up meeting will be held during the course of 1991.

For further information, contact: Arab League for Human Rights, 23 avenue Mohieddine Klibi El Manar 3, Tunis 1004, Tunisia.

Elections Planned for Child Rights Committee Members

A meeting to elect the ten-member Committee on the Rights of the Child will be held on 27 February 1991 in New York. Members will be selected from among States parties nominees. The Committee's first meeting is tentatively planned for mid-1991.

The Committee is the main focal point of international efforts to translate the rights of the child into national law and practice. The group of ten experts will, in cooperation with the States parties and with the assistance of organizations, such as UNICEF, specialized agencies and non-governmental organizations, seek to identify problems preventing the child's full enjoyment of her or his rights, point out possible solutions and try to mobilize resources to respond to those needs.

Consultation Held on Child Rights Convention

A consultation between specialized agencies, FAO, ILO, UNDP, UNICEF, World Bank, World Food Programme, WHO and other United Nations bodies on the implementation of the Convention on the Rights of the Child was organized by the Centre for Human Rights from 14 to 15 January 1991 at the Palais des

Nations (United Nations), Geneva, Switzerland.

The purpose of the meeting was to discuss the modalities of their participation in the implementation procedure of the Convention on the Rights of the Child and cooperation with the soon-to-be-established Committee on the Rights of the Child.

For further information, contact: International Instruments Section, Centre for Human Rights.

Global Consultation on Children's Rights

A Global Consultation on Implementation Strategies for Children's Rights was held at UNICEF's International Child Development Centre in Florence, Italy, from 4 to 6 December 1990.

The Consultation, organized by UNICEF, was attended by a representative from the Centre for Human Rights, independent experts, and non-governmental organizations to discuss: the relevance of each of the articles to UNICEF's work; procedures for ratification and setting up the Committee on the Rights of the Child; models for monitoring the protection of children's rights at the national level based on a report of a meeting of *ombudsmen* held from 27 November to 1 December 1990; and, the role of different United Nations agencies in implementing the Convention, particularly the central role of the work of the Committee.

For further information, contact: UNICEF, International Child Development Centre, Piazza SS, Annunziata 12, 50122 Florence, Italy.

Rights for Palestine Children

In December 1988, the United Nations General Assembly requested the Division for Palestinian Rights to pay particular attention to the plight of Palestinian children in the occupied Palestinian territories in its work for 1989.

In partial response to this request, a study was prepared in 1990 for, and under the guidance of, the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The aim of the study is to describe some of the conditions under which the Palestinian children have been living since 1967 in the occupied territories. In five chapters it discusses the plight of Palestinian children under military occupation focussing on the areas of family and community, education, health and personal security.

According to the study, approximately 75 per cent of Palestinians in the occupied territory are below 30 years of age and only about one third of the population over 13 years of age is employed.

The study claims that during more than 20 years of military rule, two generations of Palestinian children have suffered from serious limitations imposed on their basic rights to education, effective protection of the family, health and worship.

Copies of the pamphlet, entitled "Palestinian Children in the Occupied Palestinian Territory", are available from: United Nations Division for Palestinian Rights, United Nations, New York, NY 10017, USA.

Disadvantaged Children Seminars

According to the United Nations Children's Fund (UNICEF), some 100 million children, abandoned by their families, are forced to exist through back-breaking labour, petty stealing, prostitution or begging.

In view of this phenomena and the need to seek viable solutions for the protection of the rights of children in such circumstances, two seminars were held on the Situation of Disadvantaged Children in Sub-Saharan Africa: The Case of Street and Working Children Survival and Education.

The seminars were organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNICEF, in cooperation with specialized non-governmental organizations (NGOs). The first was held in Cotonou, Republic of Benin, from 19 to 23 November 1990, for francophone countries, and a second in Nairobi, Kenya, from 3 to 8 December 1990, for anglophone countries. Ninety participants from 22 countries and representing UNESCO, UNICEF, relevant government departments and NGOs attended the Cotonou seminar. The same institutions were represented in Nairobi by 60 participants from 15 countries.

Advocacy, programme and policy development were evaluated during the meetings with a view to suggesting projects and strategies for action in favour of this category of children. Significant and innovative projects implemented in the past or currently in operation in the region, their strong points, weaknesses and lessons learned, were also examined.

Resolutions were then addressed to UNESCO, UNICEF and the Government of Benin. Country teams indicated concrete activities they would undertake throughout 1991.

Follow-up activities to the seminars include:

- Financial and administrative assistance to be offered by UNESCO to establish a rehabilitation centre for street children in Dakar, Senegal. Implementation by an NGO will start in 1991;
- A meeting of regional offices of UNESCO (Dakar, Senegal) and UNICEF (Abidjan, Côte d'Ivoire) in January 1991 to discuss practical matters relating to the development of a standard manual for scientific research on the situation of disadvantaged children in Africa. The project should be implemented during 1991;
- UNESCO support for one African on-going project for street/working children as a priority activity in its biennial programme of 1992-1993;
- Special fundraising events to be organized in developed countries, the first planned for Paris during mid-1991; and
- Advocacy activities organized at the country level.

For further information, contact: A. Tay, Inter-Agency Co-operation in Basic Education, UNESCO, 7, place de Fontenoy, 75700 Paris, France.

SELECTED READING ON CHILD RIGHTS

Making Reality of Children's Rights: The final report from the International Conference on the Rights of the Child with the "Stockholm Statement", keynote speeches and recommendations for the implementation of the International Convention on the Rights of the Child. Copies from: Radda Barnen, Tegeluddsvagen 31, Box 27320, S-102 54 Stockholm, Sweden. $10.00; SFr. 15.00; 60 Swedish Kronor.

The Rights of the Child. Human Rights Fact Sheet No. 10; and Contemporary Forms of Slavery (fact sheet in preparation). Copies from: United Nations Centre for Human Rights.

The Sexual Exploitation of Children in Developing Countries, by Ove Narvesen. Copies from: Redd Barna, Postboks 6200 Etterstad, 0602 Oslo 6, Norway.

Stolen Childhood: In Search of the Rights of the Child, by Anuradha Vittachi. Copies from: Basil Blackwell Ltd., 108 Cowley Road, Oxford OX4 1JF, United Kingdom.

The State of the World's Children 1991. Oxford University Press. Copies from UNICEF. $7.00; £3.75.

Working for the Rights of Children: The experience of the Norwegian Ombudsman for Children. (Innocenti Essays) by Malfrid Grude. Copies from: UNICEF International Child Development Centre, Piazza SS. Annunziata, 12, 50122 Florence, Italy.

The Rights of the World's Children: A Development Education Kit, produced by a number of UNICEF national committees. Copies from: UNICEF House, 3, United Nations Plaza, New York, N.Y. 10017, USA.

Introducing the Rights of the Child (for use in the classroom). For information, contact: Amnesty International Working Group for Children, Amnesty International Publications, 1 Easton Street, London WC1X 8DJ, United Kingdom.

UNICEF INTERCOM–Focus: SAARC Year of the Girl Child. No. 55, January 1990. Majority of the edition devoted to information on the situation of the South Asian girl child and activities organized by the South Asian Association for Regional Cooperation which, during 1990, concentrated attention on the inferior status of girls in the seven member nations–Bangladesh, Bhutan, India, the Maldives, Pakistan, Nepal and Sri Lanka. For further information, contact: UNICEF INTERCOM, UNICEF, 3, UN Plaza, New York, N.Y. 10017, USA.

Broken Promise: The World of Endangered Children by Annie Allsebrook and Anthony Swift. Hodder & Stoughton, 1989.

The following documents and articles are available on the basis of an interlibrary or documentation centre loan request, utilizing an International Federation Library Association form. Up to ten photocopied pages are provided free of charge. Each additional page thereafter is offered at a cost of $0.50. DHL call number references pertain to the Dag Hammarskjold Library at the United Nations headquarters in New York. UNOG call number references pertain to the United Nations Office at Geneva. See major bookstores for obtaining complete publications, if address is not specified.

Implementing Children's Rights: the case of child labour by Philip Alston. Nordic Journal of International Law–58(1) 1989, pp. 35-53. DHL call no. LSA X1-N832; UNOG Call No. PI 108a; or c/o Akademisk Forlag, 8, Store Kannikestraede, Postbox 54, Copenhagen, Denmark.

Special Features of the Assistance and Protection of Children as Victims of Armed Conflict by Geraldine van Bueren. International Conference on Humanitarian Assistance in Armed Conflict (1988, Hague, the Netherlands), pp. 127-131. DHL Call no.: LSA 341.3(063) A848.

ILO Standards for the Protection of Children by H.T. Dao. Nordic Journal of International Law, 58(1) 1989, pp. 54-67. DHL Call no.: LSA XI N832; UNOG Call no. PI 108a; or c/o Akademisk Forlag, 8, Store Kannikestraede, Postbox 54, Copenhagen, Denmark.

The Next Generation: Lives of Third World Children by Judith Ennew and Brian Milne. 1989. Zed Books Ltd., 57 Caledonian Road, London N1 9BU, United Kingdom. UNOG Call no.: 362.7 E592.

Targeting the Children of South Africa: a new crime of State by Richard Falk. African Journal of International and Comparative Law 1(1) March 1989, pp. 13-24. UNOG Call no. PI 493.

Remarks for the Opening Session of the Beijing International Conference on the Protection of Children's Rights by Sanford J. Fox. Boston College International and Comparative Law Review 13(1) Winter 1990, pp. 47-52. DHL Call no.: LSA XI B6; UNOG Call no. PI 462.

State Powers and the Best Interests of the Child Under Article Eight of the European Convention on Human Rights by Donna Gomien. Netherlands Quarterly of Human Rights 7(4) 1989, pp. 435-450. DHL Call no. X S4.

A New Deal for Children by J.C. Hall. Cambridge Law Journal 49(pt.1), March 1990, pp. 33-36. UNOG Call no.: PI 132.

The Protection of Children's Rights and the United Nations by Yo Kubota. Nordic Journal of International Law, 58(1) 1989, pp. 7-23. DHL Call no.: LSA XI N832; UNOG Call no.: PI 108a; or c/o Akademisk Forlag, 8, Store Kannikestraede, Postbox 54, Copenhagen, Denmark.

The Protection of Children in Armed Conflict: a human rights analysis of the protection afforded to children in warfare by Colleen C. Maher. Boston College Third World Law Journal 9(2) Summer 1989, pp. 297-322. DHL Call no.: 340(05) B7; UNOG Call no.: PI 459.

Children as Property? By Jonathan Montgomery. Modern Law Review 51(3) May 1988, pp. 323-342. Concerns parent-child relations, with examples from United Kingdom family law.

Selected Bibliography on the Protection of Children's Rights by Eva Singer. Nordic Journal of International Law 58(1) 1989, pp. 110-122. DHL Call no.: LSA XI N832. UNOG Call no.: PI 108a.

The Promotion and Protection of Children's Rights Through Development and Recognition of an International Notion of Juvenile Justice and its Child-Centered Perspective in the United Nations by A.D. Viccica. Nordic Journal of International Law 58(1) 1989, pp. 68-93. DHL Call no.: LSA XI N832; UNOG Call no.: PI 108a.

Chile to Equip 9,550 Schools with Rights Declaration

Chile may soon become the first country to equip each and every one of its 9,550 educational institutions with a copy of the United Nations Universal Declaration of Human Rights. The committment to this goal was made on 10 December, Human Rights Day, by Ricardo Lagos, Minister of Education of Chile, during a ceremony held in a secondary school in Santiago. The United Nations Information Service (UNIS) in Santiago has been called upon to assist in this endeavour.

The President of the Chilean Commission for Human Rights, the Executive Secretary of the Economic Commission for Latin America and the Caribbean (ECLAC), and the Chief of UNIS, Santiago, were also among those attending the ceremony, which received wide media coverage.

An official ceremony to commemorate Human Rights Day was also held, attended by President Aylwin and the Ministers of Foreign Affairs, Justice and Education, at the Museo de Bellas Artes in Santiago. During this event, the Executive Secretary of ECLAC read out the United Nations Secretary General's message prepared for the occasion.

Committee on Economic Social and Cultural Rights Meets

The fifth session of the Committee on Economic, Social and Cultural Rights was held from 26 November to 14 December 1990 at the Palais des Nations (United Nations), Geneva, Switzerland.

The main function of the Committee is to examine reports submitted to it by States parties to the International Covenant on Economic, Social and Cultural Rights, on measures adopted and progress made in achieving the observance of the rights contained in the Covenant. The Committee is also entrusted with the task of considering the reports submitted by specialized agencies which may make general statements on matters relating to their field of competence during the discussion by the Committee of the report of each State party to the Covenant. States parties presenting reports to the Committee are free to respond to, or take into account, the general comments made by the specialized agencies. At this session, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization were represented.

During this time, reports from Costa Rica, the Dominican Republic, Ecuador, Iran, Jordan and Luxembourg were reviewed.

The Committee also adopted a general comment on article 2, paragraph 1, of the Covenant which describes the nature of the general legal obligations undertaken by States parties to the Covenant. The comment specifies that a State party's principal obligation is to take steps with a view to achieving progressively the full realization of the rights recognized in the Covenant. While taking into consideration the fact that full realization of all economic, social and cultural rights will generally not be able to be achieved in a short period of time, States parties are still called upon to move in the most expeditious and effective way possible towards this goal. It is the view of the Committee that a minimum core obligation is incumbent upon every State party.

OVERDUE REPORTS

Of the 97 States parties to the Covenant, 28 have not yet submitted any report in accordance with their obligations under the Covenant. In view of this situation, a draft decision was prepared for ECOSOC's consideration appealing to certain countries whose initial reports have been outstanding for a particularly long period of time, to submit their reports as soon as possible. It was also suggested that these States might wish to avail themselves of the advisory services available from the Centre for Human Rights to assist them in the preparation of their overdue reports.

COOPERATION WITH THE COMMITTEE ON RIGHTS OF THE CHILD

During the session, the Committee stressed that is was essential for its members to be kept abreast of all relevant current developments in the work of the other treaty supervisory bodies, of the principal human rights organs and of any other appropriate international bodies. It thus decided that, in the future, one of its members should assume responsibility for briefing the Committee on current developments and that the member should be assisted by a written report to be prepared by the Secretariat. It also voiced its readiness to cooperate with the soon-to-be-established Committee on the Rights of the Child, on subjects of common interest.

The Committee will hold its next session in Geneva, Switzerland, from 25 November to 13 December 1991. At that time, reports from Afghanistan, Panama, Yemen, the Democratic People's Republic of Korea and Syria, originally scheduled for this session, are expected to be taken up. Reports from Finland, Sweden, Spain, Colombia, Byelorussian SSR and the Czech and Slovak Federal Republic will also be examined.

For further information, contact: International Instruments Section, Centre for Human Rights.

Universal Declaration Appears in Creole

The United Nations Development Programme/Haiti, within the context of the World Public Information Campaign for Human Rights, has launched a nationwide project disseminating the Universal Declaration of Human Rights in the Haitian dialect, Creole.

Following a televised ceremony in Port-au-Prince in July 1990, 100,000 copies of the declaration were distributed. Reactions by the general public to the translations and drawings of each of the articles were initially solicited before the document was finalized.

Article 21 (part 3). The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Each illustration has also been prepared for use by radio and television and in the form of posters, especially during the time leading up to the recent elections.

UNITED NATIONS ASSISTANCE TO HAITI

On 10 October 1990, the United Nations General Assembly adopted a resolution which called for providing the broadest possible support to the Government of Haiti during its elections. Approximately 50 volunteers, representing some 40 nationalities, were present at this time, monitoring voter registration, assisting the Coordinating Committee for the security of the elections, and observing the implementation of the electoral security plans.

Human Rights Office Opens in Paraguay

A human rights office was established by the Government of Paraguay in December 1990. This initiative was the result of a joint project financed by the Centre for Human Rights and the United Nations Development Programme's office in Asunción to advise and assist the Government in the promotion of human rights. The office is located within the Ministry of Justice and Labour.

The office will serve as a focal point for human rights activities within the Government and will cooperate with non-governmental organizations.

For further information, contact: Advisory Services and Technical Assistance Section, Centre for Human Rights.

Human Rights Clauses for New Constitutions

One of the major goals of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights is to provide assistance to Governments which express a desire to adapt their basic laws to international human rights standards and to strengthen their national institutions responsible for promoting or protecting human rights.

During the course of 1990, two meetings with Member States were held for this purpose:

ROMANIA

At the request of the Government of Romania, the Centre for Human Rights organized a week-long seminar on Human Rights and Constitutional Law for members and advisors on the Committee of the Romanian Parliament charged with drafting a new constitution.

Five members of the Committee, including the Vice-Chairman, came to Geneva from 10 to 14 December 1990 to meet with high-level experts in human rights and constitutional law, including members of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, professors of international law, a judge of the European Court of Human Rights and experts from the non-governmental community.

Items under discussion included the protection of human rights and fundamental freedoms in constitutional law and institutions, including the establishment of *ombudsmen*, and the provision of other human rights guarantees.

A continuation of this consultative process will be carried out through a mission by three United Nations experts to Romania, involving discussions with the Romanian Parliamentary Committee in early 1991.

MONGOLIA

At the request of the Government of Mongolia, the Head of the Department of Legal Affairs of the Foreign Ministry met with experts knowledgeable in constitutional law and human rights, including members of the Human Rights Committee, the Committee against Torture and the Committee on Economic, Social and Cultural Rights. The meeting was held at the Palais des Nations (United Nations), Geneva, Switzerland, from 12 to 16 November 1990.

The consultation served to assist with preparing human rights clauses for the new Mongolian constitution.

The Centre is also assisting with the publication of human rights instruments in the Mongolian language. In addition, the Centre plans to organize in cooperation with the Mongolian Government, a national training course on international standards in the field of human rights and national legislation in Ulan-Bator during the course of 1991.

For further information, contact: Advisory Services and Technical Assistance Section, Centre for Human Rights.

Commission on Human Rights to Address Major Human Rights Concerns

The situation of human rights in specific regions of the world, popular participation as an important factor in the development and in the full realization of all human rights, and the examination of alternative approaches within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms will be among the issues under discussion at the forty-seventh session of the Commission on Human Rights. The meeting will be held in Geneva, Switzerland from 28 January to 8 March 1991.

The Commission, composed of 43 Member States, is the main United Nations body dealing with any matter relating to human rights. Set up by the Economic and Social Council (ECOSOC) in 1946, its responsibilities include the preparation of studies and recommendations and the drafting of international human rights instruments. It also undertakes special tasks assigned to it by ECOSOC or the General Assembly, including the investigation of allegations concerning violations of human rights and the handling of communications relating to such violations.

PRE-SESSIONAL WORKING GROUPS

Four groups will meet prior to the session:

29 October–9 November 1990 Open-ended working group to examine, revise and simplify the draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care. A draft report of the Working Group on the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health care was adopted at that time and will now go before the Commission for its approval;

16–25 January Open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

21–25 January Group of three members of the Commission to consider reports submitted by States parties to the International Convention on Suppression and Punishment of the Crime of *Apartheid*; and

21 January–25 January Working Group on Situations of gross and reliably attested violations of human rights to examine situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

PROVISIONAL AGENDA

In addition to the above-mentioned, other topics to be discussed are:

- Question of the violation of human rights in the occupied Arab territories, including Palestine;
- Question of the violation of human rights in southern Africa;
- Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa;
- Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these rights;
- Question of the realization of the right to development;
- Right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation;
- Question of the human rights of all persons subjected to any form of detention or imprisonment;
- Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission, national institutions for the promotion and protection of human rights, and the coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;
- Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories;

(a) Question of Human Rights in Cyprus;
(b) Question of Human Rights in occupied Kuwait;
(c) Report of the Working Group on Situations;

- Measures to improve the situation and ensure the human rights and dignity of all migrant workers;
- Human rights and scientific and technological developments;
- Implementation of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*;
- Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;
- Status of the International Covenants on Human Rights;
- Effective functioning of bodies established pursuant to United Nations human rights instruments;
- Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session;
- Rights of persons belonging to national, ethnic, religious and linguistic minorities;
- Advisory services in the field of human rights;
- Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;
- Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;
- Status of the Convention on the Rights of the Child.

For further information, contact: Legislation and Prevention of Discrimination Branch, Centre for Human Rights.

Committee against Torture

The initial reports submitted by Antilles and Aruba, Ecuador, Finland, Greece, Netherlands, Spain and Turkey were examined during the fifth session of the Committee against Torture. The two-week session was held from 12 to 22 November 1990 at the Palais des Nations (United Nations), Geneva, Switzerland.

The Committee also met in closed session to resume its work relating to article 20 of the Convention. Under that article, the Committee is entitled to receive and consider information received which appears to contain well-founded indications that torture is being systematically practised in the territory of a State party. Communications submitted under article 22 of the Convention by, or on behalf of, individuals who claim to be victims of a violation by a State party of the provisions of the Convention, were also considered.

The Committee against Torture was established in 1987 as a monitoring body under the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It consists of ten independent experts from the States parties to the Convention who serve in an independent capacity.

As of 31 January 1991, 55 States had either ratified or acceded to the Convention.

For further information, contact: International Instruments Section, Centre for Human Rights.

Seminar on Racism

A request to Governments to consider establishing appropriate institutions such as commissions or *ombudsmen* to deal effectively with allegations of racial and other forms of discrimination was among several recommendations proposed by participants at a seminar on the Political, Historical, Economic, Social and Cultural Factors Contributing to Racism, Racial Discrimination and *Apartheid* held from 10 to 14 December 1990 at the Palais des Nations (United Nations), Geneva, Switzerland. Approximately 50 representatives from governments, United Nations organizations and specialized agencies, intergovernmental and non-governmental organizations, attended.

The seminar was organized by the Centre for Human Rights within the context of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

Topics under discussion were: causes and current manifestations of racism (historical, political, economic, social and cultural); racism today–overview and interrelationship of causes and manifestations; and recommendations for action at the national and international levels.

Other recommendations called for:

- A study to be conducted on the practice of institutionalized racism with a view to making the international community aware and conscious of this practice;
- A seminar to be convened to explore more effective means for implementing the recommendations from a study prepared on discriminatory treatment of members of racial, ethnic, religious or linguistic groups in the administration of justice;
- A seminar to be organized, in cooperation with the United Nations Educational, Scientific and Cultural Organization, along with the participation of the representatives of the media on the role of the mass media, particularly television, in combatting racism, racial hatred and violence;
- The holding of an international seminar to discuss the effectiveness of the existing human rights monitoring mechanisms and recourse procedures with special reference to the efforts to eliminate racism and racial discrimination. Such a seminar should in turn, prepare conclusions and recommendations for the consideration by the Commission on Human Rights and the Preparatory Committee of the World Conference on Human Rights;
- The Secretary-General to multiply his efforts to develop model laws and the preparation of a handbook of recourse procedures for victims of racial discrimination. The Seminar expressed its hopes that the necessary resources would be made available to the Centre for Human Rights to undertake this task.

The conclusions and recommendations of the seminar will be submitted to the Commission on Human Rights at its forty-seventh session in 1991.

For further information, contact: Prevention of Discrimination Section, Centre for Human Rights.

NGO World Congress on Human Rights

A World Congress on Human Rights was held in New Delhi, India from 10 to 15 December 1990. It was organized by the Centre for Promotion of Human Rights Teaching and Research of the Jawaharlal Nehru University. The Centre for Human Rights co-sponsored the Congress.

Some 200 representatives from nearly 60 countries participated. United Nations organizations specifically concerned with human rights questions were also invited to attend.

During the meeting, ten working sessions dealt with issues such as the rights of refugees and stateless persons, women and minorities, economic, social and cultural rights, civil and political rights, protection of the rights of vulnerable sections of society, human rights teaching and research, ethnic, social and religious conflict, and mechanisms for the protection and promotion of human rights.

The World Congress decided to transmit, through the Centre for Human Rights, its recommendations and resolutions to the preparatory committee of the United Nations World Conference on Human Rights, scheduled to be held in 1993.

For further information, contact: Advisory Services and Technical Assistance Section, Centre for Human Rights.

General Assembly Meets: New Human Rights Treaty Open for Signature

A new International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is now open for signature following its adoption during the forty-fifth session of the United Nations General Assembly held in New York from 17 September to 21 December 1990.

The treaty is designed to cover a wide range of rights including workers' freedom to leave any country, their right to practise a religion of their choice, and protection from arbitrary arrest and collective expulsion. It also promotes action by Governments to prevent and eliminate clandestine movements and trafficking in migrant workers. It expresses the awareness of the impact of the flow of migrant workers on the state of employment and the need to establish norms which may contribute to harmonize the attitudes of States through the acceptance of basic principles concerning the treatment of migrant workers and members of their families.

The Convention is the result of work carried out since 1980 by the General Assembly's Open-ended Working Group responsible for drafting the Convention.

The Convention will become effective 30 days after the 20th ratification, making it international law for the first 20 countries which become parties thereto. It also provides for the establishment of a Committee to monitor its implementation as well as optional procedures for dealing with complaints from individuals and States.

ADOPTION OF OTHER HUMAN RIGHTS INITIATIVES

As is the case each year, human rights issues are examined particularly during meetings of the General Assembly's Third and Fifth Committees. Of the resolutions and decisions adopted pertaining to these questions, were the following:

● *WORLD CONFERENCE ON HUMAN RIGHTS* Convinced that the holding of a world conference on human rights could make a significant contribution to the effectiveness of the actions of the United Nations and its Member States in the promotion and protection of human rights, it was decided to convene a high level World Conference on Human Rights in 1993 with the following objectives:

– To review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights and to identify obstacles and ways in which they can be overcome to further progress in this area;

– To examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights;

– To examine ways and means to improve implementation of existing human rights standards and instruments;

– To evaluate the effectiveness of the methods and mechanisms used by the United Nations in the field of human rights;

– To formulate concrete recommendations for improving the effectiveness of United Nations activities and mechanisms in the field of human rights through programmes aimed at promoting, encouraging and monitoring respect for human rights and fundamental freedoms;

– To make recommendations for ensuring the necessary financial and other resources for the United Nations activities in the promotion and protection of human rights and fundamental freedoms.

The General Assembly decided to establish a Preparatory Committee for the Conference which would be open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers, in accordance with established practice. The Committee will hold its first session in September 1991. Governments, specialized agencies, concerned United Nations bodies, regional organizations and non-governmental organizations concerned with human rights are called upon to assist by submitting recommendations on the Conference and its preparation to the Preparatory Committee through the Secretary General and to participate actively in the Conference.

● *INTERNATIONAL YEAR FOR THE WORLD'S INDIGENOUS PEOPLES* Bearing in mind that one of the purposes of the United Nations set forth in the Charter is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, the General Assembly proclaimed 1993 as the International Year for the World's Indigenous Peoples. This observance will be carried out with the view of strengthening international cooperation for the solution of problems faced by indigenous communities in such areas as human rights, the environment, development, education, health, etc.

Indigenous organizations and other interested non-governmental organizations are invited to consider the contributions they can make to the success of the Year and to present their ideas to the Commission on Human Rights. In addition, two experts were asked to prepare a second working paper on activities to be carried out during the Year which would be submitted in time for the forty-third session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to be held in 1991.

● *REGIONAL ARRANGEMENTS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS* Noting that regional arrangements for the promotion and protection of human rights may make a major contribution to the effective enjoyment of human rights and fundamental freedoms, the General Assembly endorsed the appeal made to all Governments during the forty-sixth session of the Commission on Human Rights to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights

standards and on the experience of relevant international organs.

Two items, particularly relating to the child, were also adopted:

● *CONVENTION ON THE RIGHTS OF THE CHILD* The General Assembly welcomed with satisfaction the successful conclusion of the World Summit for Children, and in particular, the adoption of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s. It called upon all States, that have not done so, to sign, ratify or accede to the Convention as a matter of priority.

Migrant workers at a construction site. (Photo: ILO).

● *TORTURE AND INHUMAN TREATMENT OF CHILDREN IN DETENTION IN SOUTH AFRICA* While vigourously condemning South Africa for the continued detention, torture and inhuman treatment of children, the General Assembly reiterated its demand for the immediate and unconditional release of all children held in detention. It also appealed to all relevant United Nations bodies, specialized agencies and non-governmental organizations to intensify the worldwide campaign aimed at drawing attention to, monitoring and exposing these inhuman practices.

● *IN HIS ANNUAL REPORT ON THE WORK OF THE ORGANIZATION, THE SECRETARY-GENERAL*, Mr. Pérez de Cuéllar pointed out that resolution of conflicts, observance of human rights and the promotion of development together weave the fabric of peace; if one of these strands is removed, the tissue will unravel. The past year has seen the conversion of human rights from a subsidiary theme of the international discourse to a dominant concern. All over the world, there is a resurgent awareness that no social or political dispensation can, or should, endure that does not respect the dignity and worth of the human person, the equal rights of men and women and of nations large and small.

Mr. Pérez de Cuéllar also noted that in striving to meet the human rights aspirations of all regions, the United Nations relies upon the commitment of non-governmental organizations and the courage and self-sacrifice of individuals throughout the world. The United Nations should give its close attention to ways and means of assisting and protecting them in their tasks and of stimulating popular association with the effort to make a human rights régime encompass the whole world.

● *HUMAN RIGHTS AND MASS EXODUSES* Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of populations in many regions of the world and by the human suffering of millions of refugees and displaced persons, the General Assembly urged the Secretary-General to allocate the necessary resources to consolidate and strengthen the system for undertaking early-warning activities in the humanitarian area by, *inter alia*, the computerization of the Office for Research and the Collection of Information. Coordination should also be strengthened among the relevant parts of the United Nations system, especially the Office for Research and the Collection of Information, as well as the Office of the United Nations High Commissioner for Refugees, the Centre for Human Rights of the Secretariat and the relevant specialized agencies.

● *RECOGNIZING THAT THE WORK-LOAD OF THE CENTRE FOR HUMAN RIGHTS* has increased rapidly in recent years, while resources have failed to keep pace with the increase in its responsibilities, the General Assembly authorized the Secretary-General immediately to create three new posts in relations to the implementation of the Convention on the Rights of the Child. The Assembly also decided that the Secretary-General should enter into commitments for further resources equivalent to four other posts, with the concurrence of the ACABQ, as interim measures for the current biunnium.

The Centre for Human Rights is the lead agency of the United Nations in the field of human rights. It provides secretariat and substantive services to United Nations bodies concerned with human rights questions, administers the programme of advisory services and technical assistance on human rights, and co-ordinates the relevant activities of the World Campaign for Human Rights within the United Nations system. It ensures liaison with Governments, non-governmental organizations, external institutions and the media, and is responsible for the collection, production and dissemination of human rights publications.

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